

MINUTE ENTRY

10:00 a.m.

U.S.A. -v- ERIC J.M. HOFSCHEIDER

PRESENT: HON. ALEX R. MUNSON, JUDGE PRESIDING
K. LYNN LEMIEUX, COURTROOM DEPUTY
SANAE N. SHMULL, COURT REPORTER
TIMOTHY MORAN, ASSISTANT U.S. ATTORNEY
ERIC J.M. HOFSCHEIDER, DEFENDANT
DANILO AGUILAR, ATTORNEY FOR DEFENDANT

PROCEEDINGS: VIOLATION HEARING

Defendant ERIC J.M. HOFSCHEIDER appeared with counsel, Attorney Danilo Aguilar. Government was represented by Timothy Moran, AUSA. Also present was Margarita Wonenberg, U.S. Probation Officer.

Defense reported that the defendant admitted to the violation of using alcohol but denied the violation of not maintaining employment.

Government stated that they would be willing to proceed on violation #6 - use of alcohol. This is his third violation on this same violation.

Government recommended a sentence of four months of imprisonment and a substance abuse treatment program. Defense argued against imprisonment and recommended counseling for substance abuse.

In accordance with the Sentencing Reform Act of 1984, it is the judgment of the Court that the supervised release be revoked, pursuant to 18 U.S.C. Â§3583(e)(3) and U.S.S. G. Â§7B1.3(a)(2), and that Eric J.M. Hofschneider be sentenced to serve a term of imprisonment of four months. Upon release, Mr. Hofschneider is to serve a term of supervised release of 32 months with the following conditions:

1. That the defendant shall not commit another federal, state, or local crime;
2. That the defendant shall not possess a firearm or other dangerous weapon;
3. That the defendant shall comply with the standard conditions of supervised release as set forth by the U.S. Probation Office;
4. That the defendant shall not possess, use, distribute, or administer any controlled substances; and that he shall submit to one urinalysis within 15 days of release, and to two additional urinalyses thereafter;
5. That the defendant shall participate in a substance abuse treatment program approved by the U.S. Probation Office for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse. The defendant shall also make a co-payment for treatment at a rate to be determined by the U.S. Probation Office;
6. That the defendant shall refrain from the use of any and all alcoholic beverages;

7. That the defendant shall obtain and maintain gainful employment;

8. The defendant shall perform the balance of the 450 hours of community service previously ordered on July 23, 2004 and August 26, 2004; and

9. The defendant shall comply with all other conditions previously imposed.

Defendant was advised that he had ten days in which to appeal the decision of this court.

Defendant was remanded into the custody of the U.S. Marshal for proceeding.

Adj. 10:30 a.m.

; [KLL EOD 07/01/2005]